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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,199	04/26/2001	James E. Veres	MSFT-0245/154792.2	8823

41505	7590	01/27/2006	EXAMINER

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ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/843,199	VERES ET AL.
	Examiner	Art Unit	
	Andre R. Fowlkes	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-16,18-32,34-40,42-49,51 and 52* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-16,18-32,34-40,42-49,51 and 52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

10/26/05 has been entered.

2.   Claims 1, 11, 27, 35, 43 and 52 have been amended. Claims 3, 17, 33, 41 and

50 have been canceled. Claims 1, 2, 4-16,18-32, 34-40, 42-49, 51 and 52 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-16,18-32, 34-40, 42-49, 51 and 52 are rejected under 35 U.S.C.

103(a) as being unpatentable over London Shrader et al., (London Shrader), U.S.

Patent No. 5,870,611 in view of Yinger et al., (Yinger), U.S. Patent No. 5,960,204 (art

made of record).

As per claim 1, London Shrader discloses **a system for managing application installation operations, a method of communicating with an application,** (col. 1:18-21, "This invention relates generally to electronic distribution of software in computer networks. More particularly, the invention relates to defining and constructing a proposed plan object for installing the software on the network"), **comprising:**

- receiving from the application a call to set a property related to performing an application installation operation (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes (i.e. properties) help to uniquely identify the application from other applications and to specify the commands to execute for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands"),

- receiving from the application a call to initialize an application installation operation (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes help to uniquely identify the application from other applications and to specify the commands to execute (i.e. initialize) for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or

maintenance system using their respective commands", and col. 5:53-54, "procedures

which (initialize an application installation operation and continue to) track the current

state of installation"),

   - receiving from the application a call to finalize the application installation

operation (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation

commands attributes 106-112 provide the means to process the application-in-plan

object on the workstation-in-plan objects in the workstation group-in-plan object in the

Plan object. These attributes help to uniquely identify the application from other

applications and to specify the commands to execute (i.e. finalize) for the specified

action, e.g., installation or configuration The action type attribute 114 denotes the type

of processing for this application, i.e. install, configure, remove, reinstall, or

maintenance system using their respective commands", and col. 5:53-54, "procedures

which (finalize an application installation operation and report) .. the current state of

installation").

   London Shrader doesn't explicitly disclose that **if the application installation**

operation is not executed successfully by the application, receiving a call to abort

the application installation operation.

   However, Yinger, in an analogous environment, discloses that **if the application**

installation operation is not executed successfully by the application, receiving a

call to abort the application installation operation (col. 12:26-31, "The loading

subprocess determines 935 whether the installation of the application module or the

current version of the application module was successful. If the installation was

unsuccessful, the installation is canceled 955 and a cancel flag is returned 965 to the

process step calling for the execution of the application module").

Therefore, it would have been obvious to a person of ordinary skill in the art, at

the time the invention was made, to incorporate the teachings of Yinger into the system

of London Shrader to **receive a call to abort the application installation operation if**

the application installation operation is not executed successfully by the

application. The modification would have been obvious because one of ordinary skill

in the art would have wanted to avoid an unstable or uncertain state by avoiding calls to

an unsuccessfully installed program.

As per claim 2, the rejection of claim 1 is incorporated, and further London

Shrader discloses that **said application installation operation is at least one of the**

following: install, downsize, reinstall, uninstall (col. 7:28-30, "The action type

attribute 114 denotes the type of processing for this application, i.e. install, configure,

remove (i.e. downsize/uninstall), reinstall, or maintenance").

As per claim 4, the rejection of claim 1 is incorporated, and further London

Shrader discloses that **said call to initialize the application installation operation is**

InitializeInstall, and said call to finalize the application installation operation is

FinalizeInstall (col. 5:53-54, "procedures which (initialize an application installation

operation and continue to) track the current state of installation", and col. 5:53-54,

"procedures which (finalize an application installation operation and continue to report) ..

the current state of installation", The London Shrader system performs the functionality

of this claim. The examiner notes that claiming a specific name for this exhibited

functionality is non-functional descriptive material. Merely claiming Non-functional

descriptive material does not make this claim patentable).

As per claim 5, the rejection of claim 1 is incorporated, and further London

Shrader discloses that **said call to initialize the application installation operation is**

InitializeDownsize, and said call to finalize the application installation operation is

FinalizeDownsize (col. 7:28-30, "The action type attribute 114 denotes the type of

processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall),

reinstall, or maintenance". The London Shrader system performs the functionality of

this claim. The examiner notes that claiming a specific name for this exhibited

functionality is non-functional descriptive material. Merely claiming Non-functional

descriptive material does not make this claim patentable).

As per claim 6, the rejection of claim 1 is incorporated, and further London

Shrader discloses that **said call to initialize the application installation operation is**

InitializeReInstall, and said call to finalize the application installation operation is

FinalizeReInstall (col. 7:28-30, "The action type attribute 114 denotes the type of

processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall),

reinstall, or maintenance". The London Shrader system performs the functionality of

this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 7, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeUnInstall, and said call to finalize the application installation operation is FinalizeUnInstall** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 8, the rejection of claim 1 is incorporated, and further London Shrader discloses **receiving a call from the application to get a property related to performing an application installation operation** (col. 5:25-28, "A response file is a flat ASCII file that contains a set of responses to a corresponding set of questions (i.e. get property calls) asked by the program during the installation and/or configuration process.").

As per claim 9, the rejection of claim 1 is incorporated, and further London

Shrader discloses that **said call to set a property is SetProperty** (col. 7:28-30, "The

action type attribute 114 denotes the type of processing for this application, i.e. install,

configure (i.e. set property), remove (i.e. downsize/uninstall), reinstall, or maintenance".

The London Shrader system performs the functionality of this claim. The examiner

notes that claiming a specific name for this exhibited functionality is non-functional

descriptive material. Merely claiming Non-functional descriptive material does not make

this claim patentable).

As per claim 10, this is a computer readable medium/product version of the

claimed method discussed above, in claim 1, wherein all claimed limitations have also

been addressed and/or cited as set forth above. Additionally, such a product is deemed

to be inherent in the system, otherwise, it would be inoperative.

As per claim 13, the rejection of claim 12 is incorporated, and further London

Shrader discloses that **said call to SetProperty includes a parameter identifying**

APP_PROPERTY_COMPANYNAME as the property that is being set (col. 6:41-43,

"The Group Container (i.e. a group of workstations belonging to a company/entity) 54 is

used to hold one or more workstation Group objects 200 which are defined by the

administrator.").

As per claim 14, the rejection of claim 13 is incorporated, and further London Shrader discloses that **said call to SetProperty further includes a parameter for pointing to a string identifying a company** (col. 6:41-43, "The Group Container (i.e. a group of workstations belonging to a company/entity) 54 is used to hold one or more workstation Group objects 200 which are defined by the administrator.").

As per claim 19, the rejection of claim 12 is incorporated, and further London Shrader discloses that **receiving a call to SetProperty having a parameter identifying APP_PROPERTY_SIGNATURE as the property that is being set** (col. 7:16-18, "The Short Name attribute 102 is used to uniquely identify the object (i.e. an objects signature) within the Network Installation Program."),

- **receiving a call to SetProperty having a parameter identifying APP_PROPERTY_CATEGORY as the property that is being set** (col. 6:43-45, "Workstation Group objects 200 contain Workstation objects 225 which represent workstations which are to be installed with similar software (i.e. the same category of workstations)"),

- **receiving a call to SetProperty having a parameter identifying APP_PROPERTY_ESTIMATEDINSTALLSIZE as the property that is being set** (col. 7:14-16, "Application and application-in-plan objects have a series of attributes (i.e. properties) to define the application object instance (i.e. the estimated install size)").

As per claim 22, the rejection of claim 21 is incorporated, and further London

Shrader discloses that **said call to GetProperty has a parameter identifying**

APP_PROPERTY_GUID as the application property being retrieved (col. 7:16-18,

"The Short Name attribute 102 is used to uniquely identify the object (i.e. a GUID) within

the Network Installation Program.").

As per claim 23, the rejection of claim 21 is incorporated, and further London

Shrader discloses that **said call to GetProperty has a parameter for pointing to a**

string containing a GUID value identifying the application that is the object of the

install operation (col. 7:16-18, "The Short Name attribute 102 is used to uniquely

identify the object (i.e. a GUID) within the Network Installation Program.").

As per claim 24, the rejection of claim 22 is incorporated, and further London

Shrader discloses:

- **receiving a call to GetProperty having a parameter identifying**

APP_PROPERTY_ROOTPATH as the application property that is being retrieved

(col. 8:2-4, "The Real File Name attribute 152 is the fully qualified path to the response

file to be used during the processing of the application."),

- **receiving a call to GetProperty having a parameter identifying**

APP_PROPERTY_SETROOTPATH as the application property that is being

retrieved (col. 8:2-4, "The Real File Name attribute 152 is the fully qualified path to the

response file to be used during the processing of the application.").

As per claim 25, the rejection of claim 12 is incorporated, and further London Shrader discloses:

- receiving a call to SetProperty having a parameter identifying APP_PROPERTY_EXECUTECMDLINE as the application property that is being set (col. 9:45-50, "The Install Script attribute 313 indicates the code server object and optionally the directory path where the client workstations can access their install script files (i.e. execution command line) which indicate the commands and order in which applications should be installed and configured on workstations"),

- receiving a call to SetProperty having a parameter identifying APP_PROPERTY_DEFAULTSETUPEXECMDLINE as the application property that is being set (col. 9:45-50, "The Install Script attribute 313 indicates the code server object and optionally the directory path where the client workstations can access their install script files (i.e. default setup command line) which indicate the commands and order in which applications should be installed and configured on workstations").

As per claims 11, 12, 15-16, 18, 20, 21 and 26, this is another method version of the claimed method discussed above, in claims 1, 2, 4-16,18-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

As per claims 27-32 & 34, this is another method version of the claimed method discussed above, in claims 1, 2, 4-16,18-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

As per claims 35-40 & 42, this is another method version of the claimed method discussed above, in claims 1, 2, 4-16,18-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

As per claims 43-49 & 51, this is another method version of the claimed method discussed above, in claims 1, 2, 4-16,18-23, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

As per claim 52, this is a system version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

Response to Arguments

Applicant's arguments with respect to claims 1, 11, 27, 35, 43 & 52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF

TUAN DAM
SUPERVISORY PATENT EXAMINER